

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TODD KREISLER,

Plaintiff,

-against-

KAIS ABID, d/b/a PAPA JOHN'S, KAM  
FOUR, INC., a New York corporation,  
d/b/a/ PAPA JOHN'S, PARKER EAST  
24th APARTMENTS, LLC, a New York  
limited liability company, PARKER  
COMMERCIAL 24th ASSOCIATES, a  
New York limited partnership, and 305  
EAST 24th OWNERS CORP., a New  
York corporation,

Defendants.  
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Civil Action No.: 12 CIV.4052 (PAE)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that Defendant PARKER EAST 24th  
APARTMENTS, LLC, by and through its counsel, SEYFARTH SHAW LLP, shall move  
this Court before the Honorable Paul A. Engelmayer, United States District Court Judge,  
at the United States District Court for the Southern District of New York, 500 Pearl  
Street, New York, New York, for an Order:

- (1) vacating the Final Default Judgment issued against Parker East 24th  
Apartments, LLC on December 11, 2012 (*see* Docket No. 34), as well  
as the related Order and Judgment dated December 14, 2012 (*see*  
Docket No. 39), pursuant to Fed. R. Civ. P. 60(b)(1);
- (2) striking from the record the final page of the document entitled  
“Response Pursuant to Court Order of 28 Feb 2013” filed by Defendant  
Kais Abid (*see* Docket No. 65), and directing the Clerk to remove this  
exhibit from the docket, pursuant to F.R.E. 408; and

(3) awarding any other and further relief that this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that Defendants will rely on the accompanying Affidavit of Cynthia Wong dated March 13, 2013 and Declaration of John W. Egan, Esq. dated March 13, 2013, and all exhibits annexed thereto.

Dated: New York, New York  
March 13, 2013

SEYFARTH SHAW LLP

By: /s/ John W. Egan  
John W. Egan  
620 Eighth Avenue  
New York, New York 10018  
(212) 218-5500  
*Attorneys for Defendants Parker East 24th  
Apartments LLC and Parker 24 Commercial  
Associates*